

**PERSONNEL**Use of Alcohol, Drugs, and Tobacco Products**A. On School Board Property**

The unlawful consumption, manufacture, distribution, dispensing, possession of or sale of alcohol, narcotics, hallucinogens, depressants, stimulants, tobacco, or any controlled substance on school property by an employee shall result in discipline of the employee, which shall include warning, reprimand, suspension and/or termination of employment.

**B. Off School Board Property**

The use of alcohol, narcotics, hallucinogens, depressants, stimulants, tobacco, or any controlled substance off school board property which affects an employee's ability to perform his or her duties, or which generates publicity or circumstances which adversely affect the school division or its employees, can result in discipline of the employee, which may include warning, reprimand, suspension and/or termination.

**C. Drug-Free Workplace**

The School Board requires that employees comply with both the letter and the intent of the Drug-Free Workplace Act, Acts of the Virginia General Assembly relating to drug use (including alcohol) and use of tobacco products, including the Virginia Indoor Clean Air Act, and any and all other applicable federal, state and local laws including Department of Education regulations implementing such legislation.

**D. Smoking and the Use of Tobacco Products on School Board Property**

The School Board recognizes that the use of tobacco products represents a health and safety hazard which can have serious consequences for the users and non-users of tobacco products.

The School Board prohibits the use of tobacco products on School Board property during the school day and in school buildings at all times. Employees identified as smokers as of the adoption date of this policy may smoke on board property only in an outdoor area designated for such use by the principal or worksite supervisor.

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Persons may use tobacco products in outdoor areas designated for such use by the principal or worksite supervisor at all after-school activities to which the public is officially invited.

This policy is in addition to existing School Board policy concerning the prohibition of smoking by students on school property and buses.

**Legal Reference:** Through June 30, 1997

**Code of Va., §15.1-291.1 et seq. "Virginia Indoor Clean Air Act"**

**Code of Va., §4.1-309. Drinking or possessing alcoholic beverages in or on public school grounds; penalty.**—No person shall possess or drink any alcoholic beverage in or upon the grounds of any public elementary or secondary school during school hours of school or student activities.

In addition, no person shall drink and no organization shall serve any alcoholic beverage in or upon the grounds of any public elementary or secondary school after school hours or school or student activities, except for religious congregations using wine for sacramental purposes only.

Any person convicted of a violation of this section shall be guilty of a Class 2 misdemeanor. (1954, c. 651, §4-78.1; 1982, c. 288; 1991, c. 710; 1993, c. 866; 1994, c. 844.)

**Code of Va., §18.2-255.2. Prohibiting the sale of drugs on or near certain properties.**—A. It shall be unlawful for any person to manufacture, sell or distribute or possess with intent to sell, give or distribute any controlled substance, imitation controlled substance or marijuana at any time while (i) upon the property, including buildings and grounds, of any public or private elementary, secondary, or post secondary school, or any public or private two-year or four-year institution of higher education; (ii) upon public property or any property open to public use within 1,000 feet of such school property; (iii) on any school bus as defined in §46.2-100; (iv) upon the property, including buildings and grounds, of any publicly

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owned or publicly operated recreation or community center facility or any public library; or (v) upon the property of any state hospital as defined in §37.1-1 or upon public property or property open to public use within 1,000 feet of such an institution. Nothing in this section shall prohibit the authorized distribution of controlled substances.

B. Violation of this section shall constitute a separate and distinct felony. Any person violating the provisions of this section shall, upon conviction, be imprisoned for a term of not less than one year nor more than five years and fined not more than \$100,000. However, if such person proves that he sold such controlled substance or marijuana only as an accommodation to another individual and not with intent to profit thereby from any consideration received or expected nor to induce the recipient or intended recipient of the controlled substance or marijuana to use or become addicted to or dependent upon such controlled substance or marijuana, he shall be guilty of a Class 1 misdemeanor.

C. If a person commits an act violating the provisions of this section, and the same act also violates another provision of law that provides for penalties greater than those provided for by this section, then nothing in this section shall prohibit or bar any prosecution or proceeding under that other provision of law or the imposition of any penalties provided for thereby. (1982, c. 594; 1989, cc. 619, 682, 709; 1990, c. 617, 622; 1991, c. 268; 1991, 1st Sp. Sess., c. 14; 1993, cc. 30, 708, 729.)

**Code of Va., §15.1-291.1. Definitions.**—"As used in this chapter unless the context requires a different meaning:

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'Education facility' means any building used for instruction of enrolled students, including, but not limited to, any day-care center, nursery school, public or private school, college, university, medical school, law school, or vocational school...

'Smoke' or 'smoking' means the carrying or holding of any lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment, or the lighting, inhaling

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or exhaling of smoke from a pipe, cigar, or cigarette of any kind..." (1990)

**Code of Va., §15.1-291.2. Statewide regulation of smoking.**— A. The Commonwealth or any agency thereof and every county, city, or town shall provide reasonable no-smoking areas, considering the nature of the use and the size of the building, in any building owned or leased by the Commonwealth or any agency thereof or a county, city, or town. The provisions of this chapter shall not apply to office, work or other areas of the Department of Corrections which are not entered by the general public in the normal course of business or use of the premises.

B. Smoking shall be prohibited in (i) elevators, regardless of capacity, except in any open material hoist elevator, not intended for use by the public; (ii) public school buses; (iii) the interior of any public elementary, intermediate, and secondary school; however, smoking may be allowed by a local school division in a designated area which is not a common area, including but not limited to, a classroom, library, hallway, restroom, cafeteria, gymnasium, or auditorium after regular school hours so long as all student activities in the building have been concluded; (iv) hospital emergency rooms; (v) local or district health departments; (vi) polling rooms; (vii) indoor service lines and cashier lines; (viii) public restrooms in any building owned or leased by the Commonwealth or any agency thereof; (ix) the interior of a child day center licensed pursuant to §63.1-196 that is not also used for residential purposes; however, this prohibition shall not apply to any area of a building not utilized by a child day center, unless otherwise prohibited by this chapter; and (x) public restrooms of health care facilities.

C. Any restaurant having a seating capacity of fifty or more persons shall have a designated no-smoking area sufficient to meet customer demand. In determining the extent of the no-smoking area, the following shall not be included as seating capacity: (i) seats in any bar or lounge area of a restaurant and (ii) seats in any separate room or section of a restaurant which is used exclusively for private functions.

D. The proprietor or other person in charge of an educational facility, except any public elementary, intermediate, or secondary school, health care facility, or

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a retail establishment of 15,000 square feet or more serving the general public, including, but not limited to, department stores, grocery stores, drug stores, clothing

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stores, shoe stores, and recreational facilities shall designate reasonable no-smoking areas, considering the nature of the use and the size of the building.

E. The proprietor or other person in charge of a space subject to the provisions of this chapter shall post signs conspicuous to public view stating "Smoking Permitted" or "No Smoking," and in restaurants, signs conspicuous to ordinary public view at or near each public entrance stating "No-Smoking Section Available." Any person failing to pose such signs may be subject to a civil penalty of not more than twenty-five dollars.

F. No person shall smoke in a designated no-smoking area and any person who continues to smoke in such area after having been asked to refrain from smoking may be subject to a civil penalty of not more than twenty-five dollars.

G. Any law-enforcement officer may issue a summons regarding a violation of this chapter.

H. The provisions of this chapter shall not be construed to regulate smoking in retail tobacco stores, tobacco warehouses or tobacco manufacturing facilities. (1990, cc. 902, 969; 1991, c. 601; 1992, c. 827; 1994, cc. 629, 928; 1996, cc. 472, 514, 778.)

Adopted by the School Board: September 25, 1990  
Amended by the School Board: August 26, 1997